

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed May 22, 2007. At the time of the Final Office Action, Claims 1-15 were pending in this Application. Claims 1-15 were rejected. Claims 1 and 4 have been amended to further define various features of Applicants' invention. Claims 2-3 and 5-10 have been cancelled without prejudice or disclaimer and Claims 16-20 have been cancelled due to an election/restriction requirement. New Claims 21-33 have been added. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5, and 11 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No 4,385,630 issued to Ronald O. Gilcher et al. ("*Gilcher*"). Applicants respectfully traverse and submit that Gilcher does not teach all of the elements of Claims 1-3, 5, and 11 of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The Examiner has not indicated that Claims 9 or 10 are anticipated by Gilcher. Claim 1 has been amended to incorporate subject matter similar to that of Claims 9 and 10. In particular, Claim 1 has been amended to recite a five-way association device having an I junction and a Y junction, which is not disclosed in Gilcher. Accordingly, Claim 1, as amended, is not anticipated by Gilcher.

In response to the Examiner's remarks, Applicants have added new independent Claim 21. In particular, the Examiner argued the claims did not require that the loop be formed entirely by the second tube and include no part of the first tube. (Office Action, p. 3). New Claim 21 recites that the loop is formed entirely by the second flexible tube. This embodiment is shown at least in Figures 1 and 2. Gilcher, to the extent it arguably forms a loop, uses part of the first tube to form that loop. Accordingly Gilcher fails to anticipate Claim 21 and dependent Claims 22-33.

Rejections under 35 U.S.C. §103

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Gilcher*. Applicants respectfully traverse and submit that Gilcher does not render Claim 12 obvious.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Gilcher* in view of U.S. Patent 4,558,996 issued to Harold D. Becker ("*Becker*"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gilcher in view of U.S. Patent 5,309,604 issued to Eric C. Poulsen ("*Poulsen*"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gilcher in view of U.S. Patent 5,868,696 issued to Richard C. Giesler et al. ("*Giesler*"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gilcher in view of U.S. Patent 5,215,450 issued to Yehuda Tamari ("*Tamari*"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gilcher in view of U.S. Patent 4,596,657 issued to Leonard A. Wisdom ("*Wisdom*"). Applicants

respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gilcher in view of U.S. Patent 6,113,554 issued to Ronald O Gilcher et al. ("*Gilcher '554*") Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, these references must be properly combined.

As indicated above, Claim 1 has been amended to include subject matter similar to that of Claims 9 and 10. A Claims 9 and 10 have been rejected as obvious in light of Giesler. (Office Action dated 10/16/2006, p. 7). However, the Examiner merely alleged that the tray portion of Giesler was a combined association and connection device. Even assuming this is true, which Applicants do not admit, Giesler clearly does not disclose a five-way junction having a Y junction and an I junction of the type now claimed in Claim 1. Therefore, Claim 1 as amended is not obvious in light of Giesler.

The remaining claims dependent on Claim 1 are not anticipated by Gilcher or obvious in light of Giesler because Claim 1 is not anticipated or obvious. The references cited by the Examiner with respect to these claims is not alleged by the Examiner to remedy the failure of Gilcher and Giesler to teach Claim 1 as amended and, in fact, do not do so. As a result, all claims dependent on Claim 1 are patentable over these references as well.

Similarly, Claim 21 recites that the loop is formed entirely by the second tube and include no part of the first tube. The Examiner has not alleged that any of the additional references cited for obviousness rejections teach this feature. Accordingly, Claim 21 and Claims 22-33, which are dependent on Claim 21, is allowable.

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Request for Continued Examination

Applicants enclose a Request for Continued Examination (RCE) Transmittal.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims as amended.

Applicants enclose a Request for Continued Examination Transmittal (RCE) and Petition for Three Month Extension of time and authorize the Commissioner to charge \$810.00 for the RCE fee and \$1,050.00 for the Petition for Three Month Extension of Time to Deposit Account No. 50-2148 of Baker Botts L.L.P.. Applicants believe there are no further fees due at this time; however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2580.

Respectfully submitted,
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